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**FACSIMILE TRANSMISSION****OFFICIAL****DATE:** August 16, 2004**MATTER NUMBER:**

10026645

RECIPIENT(S):	FAX NO.:	PHONE NO.:
Mail Stop Issue Fee U.S. Patent and Trademark Office	(703) 872-9306	

**FROM:** Mark B. Wilson**USER ID:** MW01999 **FLOOR:** 20**PHONE:** (512) 536-3035**FAX:** (512) 536-4598**RE:** Serial No. 09/774,328 (Attorney Dkt. No.: ESSR:037US)**NUMBER OF PAGES INCLUDING COVER PAGE:** 25 **Originals Will Not Follow****Message:**

Attached please find the following for filing in the captioned application:

1. Resubmission of Petition for Corrected Filing Date under 37 C.F.R. 1.10(c) Originally Submitted March 26, 2001, with Exhibits 1-4.

Respectfully submitted,  
Mark B. Wilson  
Reg. No. 37,259

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**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jean-Pierre Degand  
Anne Robert

Serial No.: 09/774,328

Filed: January 30, 2001

For: ORGANIC GLASS OPHTHALMIC LENS  
HAVING AN IMPACT-RESISTANT  
PRIMER LAYER BASED ON A  
POLYURETHANE LATEX AND ITS  
MANUFACTURING PROCESS

Group Art Unit: 1712

Examiner: Feely, Michael J.

Atty. Dkt. No.: ESSR:037US/MBW

**OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION  
37 C.F.R. § 1.8**

I hereby certify that this correspondence is being  
transmitted to: M. S. Issue Fee, Commissioner for Patents,  
P. O. Box 1450, Alexandria, VA 22313-1450, facsimile  
number (703) 872-9306 on the date below:

August 16, 2004

Date

Mark B. Wilson

**RESUBMISSION OF PETITION FOR CORRECTED FILING DATE UNDER 37 C.F.R.  
§ 1.10(c) ORIGINALLY SUBMITTED MARCH 26, 2001****MAIL STOP ISSUE FEE**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

At the suggestion of the Petitions Branch, Applicants respectfully resubmit the attached  
Petition for Corrected Filing Date under 37 C.F.R. § 1.10(c), which was originally submitted by  
Applicants on March 26, 2001, as it appears that Applicants' petition was never acted on by the  
Office.

Applicants received a first action Notice of Allowance and Fee(s) Due dated June 25, 2004. Upon review of the Notice of Allowance and Fee(s) Due, Applicants' representative noticed that the filing date of this application was still incorrect. In checking his file, Applicants' representative discovered that a decision on the Petition to Correct Filing Date had never been rendered. Applicants' representative's file contains a return postcard indicating the Office's receipt of Applicants' petition on March 28, 2001 (attached as Exhibit 1).

Upon further investigation of the PTO web site, Applicants' representative determined that the PTO file for this application had been marked lost on October 1, 2003, and that the file was apparently reconstructed on November 1, 2003, as shown on the attached PAIR File History for this application (Exhibit 2).

Applicant's representative believes that Applicants' Petition to Correct Filing Date received by the Office on March 28, 2001, must have been lost. A telephone call by Applicants' representative to the Petitions Branch of the USPTO confirmed that the petition was never received in the Petitions Branch. In fact, a Petitions Examiner in that office suggested that the petition be resubmitted by facsimile to the attention of Mail Stop Issue Fee. Therefore, Applicants resubmit herewith copies of the Applicants' transmittal letter and Petition to Correct Filing Date, with accompanying exhibits, originally mailed on March 26, 2001 (Exhibit 3).

In addition to the evidence submitted with the original Petition to Correct Filing Date in support of Applicants' contention that the filing date for this application should be January 30, 2001, rather than January 31, 2001, Applicants further submit a copy of the Post Office Express Mail Receipt showing a "Date In" of January 30, 2001 (attached as Exhibit 4).

In light of the foregoing, Applicants respectfully request that the Petition to Correct Filing Date under 37 C.F.R. § 1.10(c) resubmitted herewith be acted upon *post haste* and that the filing date of the instant application be corrected to January 30, 2001.

No fees are believed to be due in connection with the instant paper. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Fulbright & Jaworski, L.L.P. Deposit Account No. 50-1212/ESSR:037US.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3035 (voice)  
512.536.4598 (fax)

Date: August 16, 2004

**EXHIBIT 1**

## Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:	Priority Date:
<input type="checkbox"/> Foreign priority already claimed	
<input type="checkbox"/> Continuation <input type="checkbox"/> CIP	<input type="checkbox"/> Divisional CPA <input type="checkbox"/>
<input type="checkbox"/> Specification: Pages	<input type="checkbox"/> Drawings: Sheets
<input type="checkbox"/> Response to Office Action Dated:	<input type="checkbox"/> Final Rejection
<input checked="" type="checkbox"/> Other: Transmittal Ltr.; Resp to Notice to File Corrected Appln Papers Under 37 CFR 1.72(b) mailed 3/13/01; Petition Amend.; Petition for Corrected Filing Date Under 37 CFR 1.10c; copy of Notice to File Corrected Application Papers; Postcard	
<input type="checkbox"/> Assignment Enclosed	<input checked="" type="checkbox"/> Cert. of Timely Mailing <input type="checkbox"/> Exp. Mail:

**IDENTIFICATION OF APPLICATION**

Serial No.: 09/774,328	
Title: ORGANIC GLASS OPHTHALMIC LENS HAVING AN IMPACT-RESISTANT PRIMER LAYER BASED ON A POLYURETHANE LATEX AND ITS MANUFACTURING PROCESS	
Applicant: Jean-Pierre Degand and Ann Robert	Attorney: MBW
Client: ESSILOR INTERNATIONAL	F&J File No.: 09/774,328
Mailed: 03/26/01	Filed: Due Date: 05/13/01

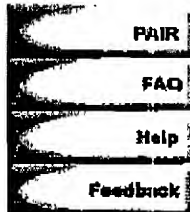
**EXHIBIT 2**



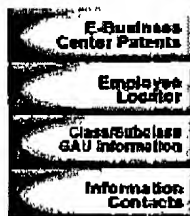
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



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Search results for application number:09/774,328			
Application Number:	09/774,328	Customer Number:	-
Filing or 371(c) Date:	01-31-2001	Status:	Allowed - Notice of Allowance Mailed - Issue Revision Completed
Application Type:	Utility	Status Date:	06-25-2004
Examiner Name:	FEELY, MICHAEL J	Location:	ELECTRONIC
Group Art Unit:	1712	Location Date:	06-08-2004
Confirmation Number:	5074	Earliest Publication No:	US 2002-0071091 A1
Attorney Docket Number:	ESSR:037US/MBW	Earliest Publication Date:	06-13-2002
Class/ Sub-Class:	428/423.1	Patent Number:	-
First Named Inventor:	Jean-Pierre Degand, Paris, (FR)	Issue Date of Patent:	-
Title Of Invention:	ORGANIC GLASS OPHTHALMIC LENS HAVING AN IMPACT-RESISTANT PRIMER LAYER BASED ON A POLYURETHANE LATEX AND ITS MANUFACTURING PROCESS		

Select Search Option

Search

## File History

Date	Contents Description
06-25-2004	Mail Notice of Allowance
06-24-2004	Notice of Allowance Data Verification Completed
06-24-2004	Case Docketed to Examiner in GAU
06-24-2004	Notice of Allowability
05-14-2004	Case Docketed to Examiner in GAU
05-12-2004	Transfer Inquiry to GAU
05-07-2004	Transfer Inquiry to GAU
05-07-2004	Transfer Inquiry to GAU
04-01-2004	Transfer Inquiry to GAU
11-01-2003	Reconstruction Completed
11-01-2003	Reconstruction of File - Begin
10-01-2003	File Marked Lost
06-04-2001	Transfer Inquiry
05-11-2001	Application Dispatched from OIPE



PAIR Page

Page 2 of 2

03-13-2001	Application Is Now Complete
03-12-2001	Correspondence Address Change
03-12-2001	Correspondence Address Change
02-21-2001	IFW Scan & PACR Auto Security Review
01-31-2001	Initial Exam Team nn

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**EXHIBIT 3**

**FULBRIGHT & JAWORSKI L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP

600 CONGRESS AVENUE, SUITE 2400

AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201  
FACSIMILE: 512/536-4598MARK B. WILSON  
PARTNERINTERNET ADDRESS:  
MBWILSON@FULBRIGHT.COM

DIRECT DIAL: 512/536-3035

HOUSTON  
WASHINGTON, D.C.  
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AUG 16 2004

March 26, 2001

FILE: ESSR:037US

**OFFICIAL****CERTIFICATE OF MAILING**  
**37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below.

March 26, 2001

Date

Mark B. Wilson

**BOX MISSING PARTS**Commissioner for Patents  
Washington, DC 20231

RE: *SN 09/774,328 "ORGANIC GLASS OPHTHALMIC LENS HAVING AN IMPACT-RESISTANT PRIMER LAYER BASED ON A POLYURETHANE LATEX AND ITS MANUFACTURING PROCESS" - Jean-Pierre Degand and Anne Robert (Client Reference: 605L US 3753)*

Sir:

Please find enclosed:

- (1) A Response to Notice to File Corrected Application Papers Under 37 C.F.R. 1.72(b) mailed March 13, 2001;
- (2) A Preliminary Amendment;
- (3) Petition for Corrected Filing Date Under 37 C.F.R. §1.10(c);
- (4) Copy of Notice to File Corrected Application Papers under 37 C.F.R. 1.72(b)-Filing Date Granted; and
- (5) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

25011628.1

Commissioner for Patents

March 26, 2001

Page 2

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10026645/MBW.

Respectfully submitted,



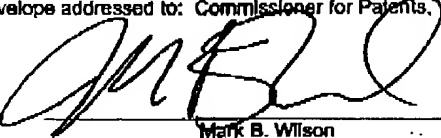
Mark B. Wilson  
Reg. No. 37,259

MBW/cjw

Encl: as noted

25011628.1

AUG 16 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
March 26, 2001 Date	 Mark B. Wilson

**OFFICIAL****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Jean-Pierre Degand  
Anne Robert

Group Art Unit: Unknown

Examiner: Unknown

Serial No.: 09/774,328

Atty. Dkt. No.: ESSR:037US/MBW

Filed: January 30, 2001

For: ORGANIC GLASS OPHTHALMIC LENS  
HAVING AN IMPACT-RESISTANT  
PRIMER LAYER BASED ON A  
POLYURETHANE LATEX AND ITS  
MANUFACTURING PROCESS**PETITION FOR CORRECTED FILING DATE UNDER 37 C.F.R. § 1.10(c)**Commissioner for Patents  
Washington, D.C. 20231

Sir:

A corrected filing date is hereby requested under 37 C.F.R. § 1.10(c) in view of the incorrect filing date apparently recorded by the Patent and Trademark Office, as evidenced by the returned Patent Postcard received in the case. The postcard indicated January 31, 2001 as the

filing date of the application (Exhibit A). The correct filing date, however, is January 30, 2001 as is set forth herein below.

Pursuant to 37 C.F.R. § 1.10(c), (1) the instant Petition has been filed promptly following indication that the filing date accorded in the case was incorrect, (2) the number of the "Express Mail" mailing label was placed on the front page of the Request for Filing a Continuation of An International Application Under 37 C.F.R. §1.53(b) as-filed (copy attached as **Exhibit B**), as well as the postcard filed with the application (copy attached as **Exhibit A**), which itemized each of the papers comprising the application, (3) a true copy of "Express Mail" track log from the United States Post Service showing the "date-in" of January 30, 2001 has been attached herewith as **Exhibit C**, and a copy of Applicants' Attorneys Express Mail Log for January 30, 2001 attached as **Exhibit D**.

Pursuant to items (2) and (3) above, copies of the front page of the Request for Filing a Continuation of an International Application and the postcard have been attached herewith as **Exhibit A** and **Exhibit B**. Both the Request for Filing a Continuation of an International Application and the postcard are marked with the Express Mail number under which the application was filed, EL611002701US, as well as the January 30, 2001 filing date. The postcard itemizes the materials comprising the application.

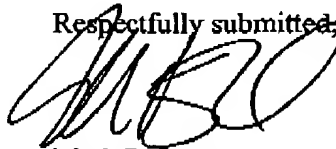
As further evidence of the January 30, 2001 filing date of the above-captioned application, Applicants have provided herewith a true copy of the "Express Mail" track/confirmation logs showing the "date-in" of January 30, 2001 (**Exhibit C**), which indicates acceptance of the package entering the application by the United States Post Office on January 30, 2001. Applicants' were also provided, as **Exhibit D**, a copy of the Express Mail Log of Fulbright and Jaworski, for January 30, 2001, which indicates the deposit of the package bearing

Express Mail Number EL611002701US with the United States Post Office on that date and is signed and stamped by an employee of the United States Postal Service.

In light of the foregoing, Applicants respectfully request that the filing date of the instant application be corrected to January 30, 2001. No fees are believed to be due in connection with the instant paper. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Fulbright & Jaworski, L.L.P. Deposit Account No. 50-1212/10026645/MBW.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI  
600 CONGRESS AVE, STE., 2400  
AUSTIN, TEXAS 78701  
(512) 474-5201

Date: March 26, 2001

**EXHIBIT A**



## Please indicate receipt of the below-identified paper:

<input checked="" type="checkbox"/> New Application For:	Utility Patent	Priority Date: 31 July 1998
<input checked="" type="checkbox"/> Foreign priority already claimed		
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional
<input type="checkbox"/> Specification: 17 Pages		<input type="checkbox"/> Drawings: <input type="checkbox"/> CPA <input type="checkbox"/>
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Sheets <input type="checkbox"/> Final Rejection
<input checked="" type="checkbox"/> Other: Request for Filing Continuation of International Application; copies of PCT/FR99/01887, English translation of PCT Intl. Search Report; PER; PCT/IB/304 & 308; Prelim. Amendment; Assignment & Assign. Cover Sheet; Declaration; POA;		
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input checked="" type="checkbox"/> Exp. Mail: EL611002701US

## IDENTIFICATION OF APPLICATION

Serial No.:	Unassigned
Title:	ORGANIC GLASS OPHTHALMIC LENS HAVING AN IMPACT-RESISTANT PRIMER LAYER BASED ON A POLYURETHANE LATEX AND ITS MANUFACTURING PROCESS
Applicant:	Jean-Pierre Degand & Anne Robert
Client:	Essilor International
Mailed:	01/30/01
Filed:	01/31/01
Due Date:	01/31/01
Attorney:	MBW
File:	ESSR-037US/10026645

**EXHIBIT B**

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: ESR:037US/MBW

Prior Application Examiner:  
N/ABOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231Classification Designation:  
Unknown

Prior Group Art Unit: N/A

EL611002701US

EXPRESS MAIL MAILING LABEL	
NUMBER	
DATE OF DEPOSIT	January 30, 2001

REQUEST FOR FILING A CONTINUATION OF AN INTERNATIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a continuation under 37 C.F.R. §1.53(b) of pending prior international application number PCT/FR99/01887 filed on 30 July 1999, entitled "ORGANIC GLASS OPHTHALMIC LENS HAVING AN IMPACT-RESISTANT PRIMER LAYER BASED ON A POLYURETHANE LATEX AND ITS MANUFACTURING PROCESS," which designated the United States.

- ☒ 1. Enclosed is a copy of prior application PCT/FR99/01887 as originally filed, including specification and claims. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code,

1661104.1

**EXHIBIT C**

[Home](#)**TRACK/CONFIRM****delivery status****You entered EL611002701US**

Your item was delivered at 2:56 pm on  
January 31 in WASHINGTON DC 20231 to R  
Atlati.

**Here is what happened earlier:**

- January 31 1:54 pm ARRIVAL AT  
UNIT 20085
- January 30 7:44 pm ENROUTE  
AUSTIN TX 78799
- January 30 6:16 pm ACCEPT OR  
PICKUP AUSTIN TX 78701

Enter the number from your shipping  
receipt into the field below.

Item Number: 

You can track delivery of **Express Mail** and **Global  
Express Guaranteed** and confirm delivery for  
domestic **Priority Mail** and **Parcel Post**.

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**EXHIBIT D**



**EXHIBIT 4**

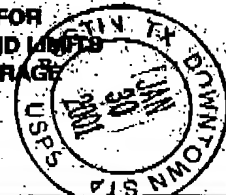


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Valid 11-5 JUL 2004

<b>ORIGIN (POSTAL USE ONLY)</b>	
PD ZIP Code 78701	Day of Delivery <input checked="" type="checkbox"/> Next <input checked="" type="checkbox"/> Other
Date 1-30-01	Postage \$ 16.00
Time 6:30 PM	Return Receipt Fee
Weight 2.5 lbs	First Alpha Country Code
Dimensions 10x6x4	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Home <input type="checkbox"/> Office	Acceptance Certificate
	Total Postage & Fees \$ 16.00

Registered Mail Signature Required X787786	
FROM: (Print name) MICHAEL B. WILSON FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE STE 2400 AUSTIN TX 78701-3271 10026645 (10026645)	TO: (PLEASE PRINT) ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON DC 20231-0001 BOX PATENT APPLICATION FEES
PRESS HARD. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.gov	